

REMARKS

Reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

All of the previous claims 1-4 and 7-13 have been canceled in favor of the new claims 14-16 presented herein. The new claims patentably distinguish over all of the references of record, whether considered singly or in combination, for the reasons next set forth.

In the Office Action mailed April 20, 2001, the claims then pending were variously rejected as being anticipated by Snyder (U.S. Pat. No. 5,379,758), as being anticipated by Anderson (GB 2,248,034), as being unpatentable over Pereira (U.S. Pat. 5,471,700) in view of Pfister (U.S. Pat. No. 2,710,571), as being unpatentable over Anderson (GB 2,248,034) in view of Wiese (U.S. Pat. No. 5,455,981), and as being unpatentable over Pereira (U.S. Pat. No. 5,471,700) in view of Pfister (U.S. Pat. No. 2,710,571) and Wiese (U.S. Pat. No. 5,455,981). The new claims 14-16 patentably define over all of these references whether they are taken individually under 35 U.S.C. 102 or considered in combination under 35 U.S.C. 103.

Looking first to Snyder, it can be seen that the new claims distinguish therefrom in several material respects. First of all, the device of Snyder is not a "hand held gardening implement", as claimed, but it is a surgical tool. More importantly, however, new claim 14 clearly defines over Snyder by specifying that the handle projects away from the frame in a direction which is opposite to the direction in which the working element projects from the frame. In Snyder, the handle 26 projects from the frame 16A,16B in the same direction in which the working element 14 or 33 or 34 or 36 or 42 (FIG. 8; see col. 4, line 30) or 43 projects from the frame. Also, the

device of Snyder lacks a "cushion" and a "resilient grip", as specified in claim 14; and the brace of Snyder is not formed of "circular metallic rod stock", as claimed. Thus, new claims 14-16 clearly distinguish over Snyder.

Turning next to the Anderson reference (GB 2,248,034), it can be seen that the new claims 14-16 clearly define thereover in several respects. Specifically, the brace 10 of Anderson engages a downwardly directed portion of the user's forearm rather than an upwardly directed portion of the user's forearm, as claimed; and, also, the brace of Anderson lacks a "cushion", as claimed. Further, the brace 10 and frame 6 of Anderson are not formed of "circular metallic rod stock", as claimed. In the Office Action of April 20, 2001, the Examiner stated that in view of Wiese it would have been obvious to have provided a cushion on the forearm brace 10 of Anderson. It is agreed that such would have been obvious. However, even with the addition of a cushion to the brace 10 of Anderson, the resultant construction would not fulfill the terms of the claims because the brace 10 of Anderson engages a downwardly directed portion of the user's forearm rather than an upwardly directed portion of the user's forearm, and the brace and frame of Anderson are not formed of "circular metallic rod stock". Hence, neither Anderson alone nor Anderson in view of Wiese responds to the limitations specified in the claims.

Turning now to Pereira, it is to be noted first of all that the device of Pereira is not a garden implement but, rather, is a tool for cleaning grills. As such, it therefore has no "working element for piercing the ground in the performance of a gardening operation", as specified in claim 14. Further, the brace of Pereira lacks a "cushion" as claimed, and is not formed of "circular metallic rod stock", as claimed. In

the Office Action of April 20, 2001, the Examiner asserted that it would have been obvious in view of Wiese to have provided the brace of Pereira with a cushion, and that it would have been obvious in view of Pfister to have substituted a rake head (tines) for the working element 102 (scraper blade) or 104 (brush) of Pereira. It is agreed that to have provided the brace of Pereira with a cushion would have been an obvious thing to do, but it is not agreed that it would have been obvious to have substituted a rake head (or any other garden tool) for the scraper blade 102 or brush 104 of Pereira because there is no motivation whatsoever to do so. The device of Pereira is a tool for cleaning grills, and if the scraper blade 102 or brush 104 were replaced by a rake head or the like, the tool would no longer be suitable for cleaning a grill. In other words, the entire purpose of the Pereira tool would be destroyed if a rake head or the like were to be substituted for the scraper blade 102 or brush 104. But even if a rake head or the like were to be substituted for part 102 or 104 of Pereira, the claimed construction still would not be fulfilled because the brace and frame of Pereira are not formed of "circular metallic rod stock", as claimed, and there is no suggestion in any of the references to form it of such material.

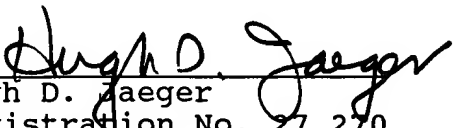
For the foregoing reasons, the claims are deemed to define patentable subject matter over the references applied in the Office Action of April 20, 2001, as well as the other references of record. Therefore, reconsideration and allowance of the claims is respectfully requested.

If there are any further issues yet to be resolved to advance the prosecution of this patent application to issue, the Examiner is requested to telephone the undersigned counsel so that such issues may be resolved expeditiously.

Reconsideration and allowance is respectfully
requested.

Respectfully submitted,

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